

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

**DIRECTIVE TO
RULE 706 EXPERT**

GOOGLE INC.,

Defendant.

To eliminate any incentive to exaggerate damages by thinking plaintiff can always fall back on the Rule 706 expert analysis, this order requires that the Rule 706 report *not* issue until, if ever, Dr. Cockburn produces a viable report himself and the Court then orders release of the Rule 706 report. This order is without prejudice to the possibility that no further opportunity to cure will be given to plaintiff, an issue yet to be decided, in which case the Rule 706 report shall be limited strictly to the matters left standing by motion practice.

IT IS SO ORDERED.

Dated: January 9, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE